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-- Via Federal Express --

Mr. Alan J. Steinberg
Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

RE: BASF Corporation, 50 Central Avenue, Kearny, New Jersey
Notification of Self-Implementing PCB Cleanup

Dear Mr. Steinberg:

Pursuant to 40 CFR 761.61 (a), the BASF Corporation (BASF) is notifying the United States Environmental Protection Agency (USEPA) that it intends to conduct a self-implementing cleanup of polychlorinated biphenyls (PCBs) at its Kearny, New Jersey, property (Figure 1). BASF intends to conduct this self-implementing cleanup within 30 days of submission of this self-notification or upon receipt of USEPA approval of this notification.

APPLICATION SUMMARY

BASF has been performing investigation and remedial action under the oversight of the New Jersey Department of Environmental Protection (NJDEP) pursuant to the Industrial Site Recovery Act (ISRA) at its Kearny, New Jersey, property since 1990, when BASF ceased operations at the site. During this period, several phases of investigation have been conducted, and BASF has treated approximately 40,000 cubic yards (yd³) of soil containing PCBs at concentrations less than 50 mg/kg and phthalates (primarily bis-2-ethyl hexyl phthalate, BEHP) using an aqueous soil washing system. The treatment system has achieved the remedial objective of the NJDEP Non-Residential Direct Contact Soil Cleanup Criteria (NRDCSCC) for each constituent, 2 mg/kg for PCBs and 210 mg/kg for BEHP.

Remaining on the site are two relatively small areas, totaling approximately 2,000 square feet (ft²), located along the inaccessible waterfront portion of the 27-acre Kearny property, in which PCBs are present in soil at concentrations greater than 50 mg/kg (Figures 2 and 3). An investigation of these areas was conducted in November and December 2004 pursuant to 40 CFR 761.289. The investigation found PCBs ranging in concentration from slightly above 50 mg/kg to 100 mg/kg, with the highest concentrations found in the 2'-4' soil interval.

BASF is proposing to remove all soil located above the water table (approximately 4 feet in depth) in these two areas and dispose it at an approved PCB disposal facility. Residual PCB

concentrations will range from approximately 50 mg/kg to approximately 60 mg/kg. After the soil is removed, the excavation will be filled with clean, compacted soil. The four feet of clean soil exceeds the requirements for a cap specified in 40 CFR 761.61 (a)(7). A Deed Notice will be established for the entire site.

The site is undergoing redevelopment as a warehousing facility. The areas that will be addressed pursuant to this notification are outside of the development planned for the site, and there will be no occupancy of these two areas following the remedial action. Therefore, the areas are appropriately characterized as low occupancy. The remaining PCB concentrations will be less than the 100 mg/kg allowed by 40 CFR 761.61 (a)(4) for low-occupancy areas covered by a cap.

Post-remediation monitoring and operation and maintenance (O&M) will be performed by BASF to ensure that the remedial action was successful and that the engineering control retains its integrity. BASF has recently completed installation of thirteen ground water monitoring wells that will serve as the post-remediation monitoring network for the site. Additionally, as per NJDEP regulation, the engineering controls installed on the site will be inspected biannually, and the results will be submitted to NJDEP.

BACKGROUND

The BASF Kearny property is approximately 27 acres in size and is located at 50 Central Avenue in Kearney, New Jersey. The site is located on a point at the northern terminus of Newark Bay, in a heavily industrialized area near the confluence of the Passaic and Hackensack Rivers. The Passaic River is adjacent to the western side of the site. The northern and eastern boundaries are adjacent to industrial facilities and a sanitary wastewater pump station, respectively. The topography of the site is flat with the ground surface elevation ranging from 6 to 10 feet above mean sea level (MSL). Depth to ground water is approximately four feet.

The site is currently undergoing remedial action under the oversight of the New Jersey Department of Environmental Protection (NJDEP) pursuant to the Industrial Site Reclamation Act (ISRA). The site entered the ISRA program in 1990, when BASF terminated operations. All former buildings and structures have been removed from the site, and the property is now vacant except for a soil treatment system and a project site trailer.

Currently, the property is scheduled for redevelopment as a warehouse and distribution center, consistent with the land use surrounding the site. BASF will transfer the property but retain responsibility for completing its remedial action requirements pursuant to ISRA.

Site Characterization and Remedial Action

Numerous investigations of the property have been conducted. These investigations have found that the primary constituents of concern (COCs) at the site are phthalates (primarily bis-ethyl hexyl phthalate, BEHP) and polychlorinated biphenyls (PCBs). Metals and polynuclear aromatic hydrocarbons (PAHs) are also present in some locations as a result of historic filling activities. BASF submitted to NJDEP a Remedial Action Work plan (RAW; Dames and Moore, 1998) and